

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRYAN DARRELL WALKER,

Petitioner,

v.

Case Number: 10-cv-12788
Honorable Arthur J. Tarnow

CINDI CURTIN,

Respondent.

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ORDER DISMISSING CASE

On July 15, 2010, Petitioner Bryan Darrell Walker, a state prisoner currently confined at the Oaks Correctional Facility in Manistee, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Upon initial screening of the case, this Court discovered that, on June 21, 2010, Petitioner also filed a habeas action with this Court, raising the same claims, which was assigned case number 10-cv-12413, and assigned to a different judge. *Walker v. Curtin*, Case No. 10-cv-12413 (Hood, J.). The Court ordered Respondent to answer that petition by August 26, 2010. Therefore, that case remains pending.

Accordingly, the instant action must be dismissed as duplicative. A suit is duplicative and subject to dismissal if the claims, parties, and available relief do not significantly differ between the two actions. *See, e.g., Barapind v. Reno*, 72 F.Supp.2d 1132, 1145 (E.D. Cal. 1999) (internal citations omitted). Here, Petitioner's habeas petition challenges the same conviction, raises the same claims, and seeks the same relief as his previously-filed petition. Consequently, the present petition is subject to dismissal as a duplicate petition. *See, e.g., Flowers v. Trombley*, No. 06-10726, 2006 WL 724594 (E.D. Mich. Mar. 17, 2006); *see also Davis v. United States Parole Comm'n*, 870 F.2d 657, 1989 WL 25837, at *1 (6th Cir. Mar.7, 1989) (stating that a

district court may dismiss a habeas petition as duplicative of a pending habeas petition when the second petition is essentially the same as the first petition).

Accordingly, it is **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED AS DUPLICATIVE**.

S/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: July 23, 2010

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on July 23, 2010, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary